

## **Egremont Planning Board Minutes**

March 3, 2021

**Call to order:** 10:06 a.m.

**Present:** Jared Kelly, Nick Keene, Eddie Regendahl, Matthew Bersani, Donna B. Gordon

**Citizens:** Eileen Vining, Guy Genin, Ben Barrett, Robert Derector, Lucinda Vermeulen, Barbara Kalish, Stephen Cohen, Marj Wexler, Rick Ramsey, Susan Obel, Kevin Zurrin, Lorri Robbins, Laura Gratz, Mary McGurn, Marshall Bouton, Rich Montone, Peter Barrett, Tom McMahon, Lisa Williams

**Mail:** - Mt Washington will hold a remote access public hearing on March 1, 2021, at 7:00 pm, to provide interested parties the opportunity to comment on codified bylaw entitled Chapter 215 Zoning Bylaw dated January 21, 2021. The complete text of the codified bylaw and the current bylaw can be found on the town website under the Town Clerk section.

- Town of Egremont, Zoning Board of Appeals will hold a Public Hearing on March 12, 2021 at 4:00 pm to consider the application of Sara Keene, DBA, the Egremont Village Inn, 17 Main St., South Egremont, for a modification of the December 10, 2015 special permit issued to the Barn, seeking to allow outdoor live music, as allowed by Egremont Zoning Bylaw, 4.3.1.5. The application can be viewed on the Town's website, [www.egremont-ma.gov](http://www.egremont-ma.gov). Written comments will be accepted and may be emailed to [tegrement@egremont-ma.gov](mailto:tegrement@egremont-ma.gov).

**Minutes:** The following minutes were unanimously accepted: January 20, 2021, February 3, 2021, February 17, 2021, February 24, 2021.

**Form As** - None

**Update and Discussion on Sky Farm subdivision modification:** Ms Robbins confirmed the Board received her revised deed in reference to the Sky Farm Subdivision modification to remove Lot 2 from the maintenance requirements of that subdivision. The issue before the Board of particular importance was there exists an emergency access road that services several lots, including lot 2. The Board asked for assurances that when Lot 2 is conveyed in the future, that future owners would be bound by an easement on that property for the maintenance of that emergency access road. The revised Deed submitted by Ms. Robbins stipulates that Lot 2 is subject to the declaration of the covenants, conditions and restrictions to maintain the emergency access road in the subdivision. Ms. Robbins presented a copy of the Emergency Access Easement for a parcel that adjoins Lot 2, and a copy of the survey to visualize the designated Emergency Access as it traverses Lots 1,2, 3 and the adjoining 5.61 acre parcel that is not part of the subdivision. The Lot is owned by the same Barrett Family Trust and 3 other individuals who owned the subdivision lots, including Lot 2 that will now be sold to Peter and Margaret Barrett. In addition, she added the following clause: "The Grantees, by signing this deed acknowledge that the premises are burdened by an

Emergency Access Easement described in the aforementioned Riverbend Subdivision Declaration of Covenants, Conditions and Restrictions, recorded in Book 2135, Page 285.”

The Board inquired as to how an entity would realize that the Deed presented today would continue to contain the same language in subsequent deeds. Ms. Robbins was comfortable with a conditional approval stating that future deeds would contain the same language.

A motion was made and unanimously approved to conditionally approve this modification subject to future conveyances in the Deed reflecting the easement. Ms. Robbins stated Planning Board Minutes reflecting our approval was sufficient documentation for her.

### **Review and Revised Draft Marijuana Bylaw:**

Chairperson Kelly opened the discussion to update Board members about a shift in his opinion regarding the current draft Bylaw. In summary, after reaching out to various citizens, he believes the current bylaw does not reflect what the majority of citizens he’s spoken with want for the Town and is skeptical the Bylaw would receive the necessary 2/3 vote. He believes the Bylaw needs more restrictions particularly in the area of Cultivation and a revisit to the idea of square footage restriction for retail establishments. Regarding cultivation, the impact of odors and potential downside to property values are areas of major concern. In addition, he recommends we do not bring the Bylaw to vote at the upcoming Annual Town Meeting because he feels the Bylaw will not be ready to submit by the Town’s deadline and that a Special Town Meeting is a better forum as it allows more time for discussion. He also believes the Board conducting a public hearing after the Bylaw is submitted to Warrant is counterintuitive to the process and may not recognize citizen’s concerns.

Another complex issue with regards to parliamentary procedure and legal timeframes is whether the Board votes to bring some or all licenses to the citizens in an up/down vote to ban or regulate. Given the previous vote in a Special Town Meeting (May, 2019 \*Article 27) to not ban any non-retail Marijuana Establishments in the Town of Egremont, any current ban must undergo a two step process. (Matt: feels confusion).

All members of the Board are interested in putting forth a Bylaw that represents the best interests of the citizens. All members were comfortable with further restrictions. The majority of members were comfortable with our current process and want to bring a more restricted bylaw to the annual town meeting for a vote to get Bylaw on the books.

Additional ways of restricting cultivation were brought up such as acreage minimums and increasing setbacks. For Marijuana Retailers: setting a minimum square footage for retail floor area and if possible, up/down vote on license Banning if possible.

The Board explored the possibility of the Bylaw not being brought to Annual Town meeting but how to best utilize time at the meeting such as invite citizens comments and provide hand-outs that would serve as a survey response to gather information on citizen opinions related to banning or regulating licenses.

**Citizen Time:**

Lucinda Vermeulen encouraged the Board to investigate a more conservative approach, and not rush the process.

Marj Wexler doesn't believe there is a "silent majority" and the Board has heard from the majority of people. She believes people who voted to legalize marijuana in 2016 voted to decriminalize marijuana, not allow ME's in town.

Mary McGurn wondered if someone with just under five acres could have a tier one grow under current setbacks. The response was under the current bylaw, yes, but if moving forward, Board agreed to acreage minimums, perhaps not. Mary expressed her disappointment in a Bylaw she felt was moving away from moderate to overly restrictive.

Rick Ramsay spoke about surrounding towns that resembled Egremont in character having more restrictive Bylaws. He believes the current draft will have difficulty passing with a 2/3 vote. He supports holding a Public Hearing first and not putting the Bylaw on the Warrant at the Annual Town Meeting.

Marshall Bouton believes the Board would be best served by making an effort to survey citizens about the various licenses.

Rick Montone agreed the Board could use The Annual Town meeting and other channels to encourage more citizens to attend the Public Hearing.

Steve Cohen stated that outreach is crucial to preventing the spread of misinformation. He suggested he could offer us a small amount of time at the Annual Town Meeting.

Future Meeting: March 10, 2021, at 10:00 am

Meeting Adjourned: 12:06 pm

Submitted by Donna B Gordon, Clerk, March 10, 2021